

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 16, 2011

11 11:21 a.m.

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13
14 REGULAR SESSION

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19 SENATOR JOSEPH A. GRIFFO, Acting President

20 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT GRIFFO: The
3 Senate will come to order.

4 I ask all present to please rise
5 and join with me as we recite the Pledge of
6 Allegiance to our Flag.

7 (Whereupon, the assemblage recited
8 the Pledge of Allegiance to the Flag.)

9 ACTING PRESIDENT GRIFFO: Today's
10 invocation will be offered by the Reverend
11 Peter G. Young, of the Mother Teresa Community
12 here in Albany.

13 Father?

14 REVEREND YOUNG: Thank you,
15 Senator.

16 Let us pray.

17 God, by Your love, You made a world
18 where we have become neighbors to each other
19 and we are enabled to love one another. Let
20 us remember today those that are in Japan that
21 are suffering with a traumatic kind of
22 potential meltdown for nuclear problems. And
23 may we pray, too, for peace in the Mideast.

24 May we again grant that You too may
25 use the Senate to strive toward a way of life

1 in keeping with God's plan. We pray that You
2 will bless our Senators generously who devote
3 themselves to helping our New York State
4 citizens.

5 Amen.

6 ACTING PRESIDENT GRIFFO: Thank
7 you, Father.

8 The reading of the Journal.

9 THE SECRETARY: In Senate,
10 Tuesday, March 15th, the Senate met pursuant
11 to adjournment. The Journal of Monday,
12 March 14th, was read and approved. On motion,
13 Senate adjourned.

14 ACTING PRESIDENT GRIFFO: Without
15 objection, the Journal stands approved as
16 read.

17 Presentation of petitions.

18 Messages from the Assembly.

19 The Secretary will read.

20 THE SECRETARY: On page 18,
21 Senator Little moves to discharge, from the
22 Committee on Health, Assembly Bill Number 1635
23 and substitute it for the identical Senate
24 Bill Number 1689, Third Reading Calendar 191.

25 ACTING PRESIDENT GRIFFO:

1 Substitution ordered.

2 THE SECRETARY: On page 18,
3 Senator Espaillat moves to discharge, from the
4 Committee on Housing, Construction and
5 Community Development, Assembly Bill Number
6 570 and substitute it for the identical Senate
7 Bill Number 3114, Third Reading Calendar 195.

8 ACTING PRESIDENT GRIFFO:
9 Substitution so ordered.

10 THE SECRETARY: On page 19,
11 Senator Fuschillo moves to discharge, from the
12 Committee on Higher Education, Assembly Bill
13 Number 5664 and substitute it for the
14 identical Senate Bill Number 3536, Third
15 Reading Calendar 201.

16 ACTING PRESIDENT GRIFFO:
17 Substitution is so ordered.

18 Messages from the Governor.
19 Reports of standing committees.
20 Reports of select committees.
21 Communications and reports from
22 state officers.

23 Motions and resolutions.

24 Senator Libous.

25 SENATOR LIBOUS: Thank you,

1 Mr. President.

2 There will be an immediate meeting
3 of the Finance Committee in Room 332 -- that's
4 the Finance Committee immediately will meet in
5 Room 332.

6 The Senate will stand at ease.

7 ACTING PRESIDENT GRIFFO: There
8 will be an immediate meeting of the Senate
9 Finance Committee in Room 332.

10 The Senate stands at ease.

11 (Whereupon, the Senate stood at
12 ease at 11:25 a.m.)

13 (Whereupon, the Senate reconvened
14 at 11:45 a.m.)

15 ACTING PRESIDENT GRIFFO: The
16 Senate will come to order.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President,
19 can we return to motions and resolutions,
20 please.

21 ACTING PRESIDENT GRIFFO: We will
22 return to motions and resolutions.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, I
25 believe there's a resolution at the desk by

1 Senator LaValle. Could we have it read in its
2 entirety and call on Senator LaValle, please.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: Legislative
6 resolution by Senator LaValle, congratulating
7 the Rocky Point High School Varsity
8 Cheerleading Team upon the occasion of
9 capturing the National Championship in the
10 Universal Cheerleaders Association's Medium
11 Varsity Division.

12 "WHEREAS, Athletic competition
13 enhances the moral and physical development of
14 the young people of this state, preparing them
15 for the future by instilling in them the value
16 of teamwork, encouraging a standard of healthy
17 living, imparting a desire for success, and
18 developing a sense of fair play and
19 competition; and

20 "WHEREAS, This Legislative Body is
21 justly proud to congratulate the Rocky Point
22 High School Varsity Cheerleading Team upon the
23 occasion of capturing the National
24 Championship in the Universal Cheerleaders
25 Association's Medium Varsity Division in

1 Orlando, Florida, on February 12-13, 2011; and

2 "WHEREAS, The Rocky Point High
3 School Varsity Cheerleading Team competed
4 against the top 32 teams in the country. This
5 is the first time a Long Island team has won
6 the Universal Cheerleaders Association's
7 national title; and

8 "WHEREAS, A week before the
9 national competition, the Rocky Point
10 Cheerleading Squad placed first at the Long
11 Island Championship at Suffolk County
12 Community College in Selden, New York. The
13 team secured the highest recorded score, 144.5
14 out of a possible 150 points, in the history
15 of the Long Island Cheerleading Coaches
16 Association (LICCA). In addition, Rocky Point
17 Cheerleading Coach Anna Spallina received a
18 Lifetime Achievement Award from the LICCA as
19 one of Long Island's most deserving coaches;
20 and

21 "WHEREAS, Loyally and
22 enthusiastically supported by family, fans,
23 friends and the community at large, the Rocky
24 Point Varsity Cheerleading Team have proven
25 themselves to be an unbeatable combination of

1 athletic and academic talents, reflecting
2 favorably on their community; and

3 "WHEREAS, The Rocky Point High
4 School Varsity Cheerleading Team includes:
5 Nicole Danisi, Rebecca Farley, Heather Haas,
6 Angela Henriksen, Cori Icopelli, Elizabeth
7 Johannesen, Ally Kaleita, Amanda Lang, Kaity
8 Moran, Emily Cincotta, Heidi Lebens, Brianna
9 Lent, Margie Nociforo, Brianna Norbury, Haley
10 Sanchez, Stephanie Savage, Paige Thomsen,
11 Sarah Vaden, Sarah Viola, Melissa Carniero,
12 Naomi Bauer, Jenna Orlando, Megan Keane, Kim
13 Oliver, Jaclyn Lang, and Danielle Ortolani;
14 and Head Coach Anna Spallina was ably
15 supported by Assistant Coaches Samantha
16 Melella, Lenee Passiglia, and Donna Collier;
17 and

18 "WHEREAS, It is the sense of this
19 Legislative Body that when young people who
20 represent their community with pride and
21 determination while participating in
22 competitive sports are brought to our
23 attention, they should be celebrated and
24 recognized by all citizens of the great State
25 of New York; now, therefore, be it

1 "RESOLVED, That this Legislative
2 Body pause in its deliberations to honor the
3 Rocky Point High School Varsity Cheerleading
4 Team upon the occasion of winning the National
5 Championship in the Universal Cheerleaders
6 Association's Medium Varsity Division; and be
7 it further

8 "RESOLVED, That copies of this
9 resolution, suitably engrossed, be transmitted
10 to the members of the Rocky Point High School
11 Varsity Cheerleading Team, Coach Anna
12 Spallina, and the aforementioned assistant
13 coaches."

14 ACTING PRESIDENT GRIFFO: Senator
15 LaValle.

16 SENATOR LaVALLE: Thank you,
17 Mr. President.

18 Today we have the Rocky Point High
19 School Varsity Cheerleaders with us to
20 celebrate and commemorate their achievement.
21 Senator Flanagan came over to me before, and
22 he said, "National championship? Wow."

23 And to my colleagues, I say to win
24 a national championship, to be the first team
25 from Long Island to beat 32 other teams from

1 around our great nation, is indeed a great,
2 great achievement.

3 Rocky Point is a community, a
4 hamlet on the North Shore of Long Island. It
5 is a wonderful community where people in that
6 community of Rocky Point work together, play
7 together, and do so in just a great way.
8 There are many other districts surrounding
9 Rocky Point where people say "How do we become
10 a community like Rocky Point?"

11 These students who are with us
12 today have achieved in the classroom and they
13 have achieved athletically. It is a wonderful
14 thing.

15 Many, many moons ago, my own
16 daughter was a cheerleader at Earl
17 Vandermeulen High School in Port Jefferson,
18 and at that time cheerleading was not at the
19 level that it is today. As many of you, I
20 attend a lot of cheerleading events, and the
21 activities that go on are just mind-boggling.
22 And many times I have to cover my eyes because
23 of the flips and things that are done.

24 So to the Rocky Point cheerleaders,
25 today we are passing this resolution. You

1 will be part of the history of New York and
2 you can look back in time and say that your
3 achievements were recognized by the New York
4 State Senate, and I believe it's already been
5 done in the Assembly.

6 So congratulations from my
7 colleagues, myself to your coach and all of
8 you on the wonderful national achievement that
9 you reached.

10 (Applause.)

11 ACTING PRESIDENT GRIFFO: The
12 Senate welcomes and congratulates the Rocky
13 Point High School Varsity Cheerleading Team.
14 Thanks for being with us today, and
15 congratulations.

16 ("Thank you" from the gallery.)

17 (Laughter; applause.)

18 ACTING PRESIDENT GRIFFO: It
19 sounds like a cheer.

20 All in favor of the resolution
21 signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT GRIFFO:
24 Opposed?

25 (No response.)

1 ACTING PRESIDENT GRIFFO: The
2 resolution is adopted.

3 Senator Libous.

4 SENATOR LIBOUS: Thank you,
5 Mr. President -- we can clap again.

6 (Applause.)

7 SENATOR LIBOUS: Thank you,
8 Mr. President.

9 There's a resolution at the desk,
10 Number 879 by Senator Golden. Could we please
11 have its title read, and I believe Senator
12 Golden would like to be called on.

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read.

15 THE SECRETARY: Legislative
16 Resolution 879, by Senator Golden, commending
17 the Brooklyn Irish-American Parade Committee
18 upon the occasion of its 36th Annual
19 St. Patrick's Day Parade on March 20, 2011.

20 ACTING PRESIDENT GRIFFO: Senator
21 Golden.

22 SENATOR GOLDEN: This obviously
23 is a great time during the month of March that
24 we celebrate St. Patrick's Day, and there are
25 many parades, one being tomorrow, the 250th

1 anniversary of the parade with Mary Higgins
2 Clark, who will be the grand marshal tomorrow,
3 and she will march down that avenue, and
4 proud, and pass the Archbishop, who will be on
5 the steps of St. Patrick's Cathedral, as he is
6 every year.

7 And this will be a great day for
8 the Irish. Mary Higgins Clark, her parents
9 arrived here the same as my parents, with a
10 dollar in their pocket and a dream. And that
11 dollar in their pocket and that dream came
12 true for her and for my family as well. My
13 brother was the grand marshal in the Mineola
14 parade this past week, and my sister Eileen
15 joined him, and she plays with Cherish the
16 Ladies and he has the Golden School of Irish
17 Dance. And I was gifted with having the --
18 being the Queens grand marshal last year.

19 We have, coming up on March 27th
20 and this week coming up, two other parades in
21 Brooklyn that will celebrate Irish heritage
22 and bring out the culture of the great
23 communities of the City of New York, and
24 proudly they will march down the avenues in
25 Brooklyn and Queens and the City of New York

1 and across this great state, celebrating their
2 Irish heritage and their religion.

3 And I commend and ask anybody who
4 would like to join that resolution as we give
5 that out and bestow that honor on the people
6 of Brooklyn.

7 Thank you, Mr. President.

8 ACTING PRESIDENT GRIFFO: Thank
9 you, Senator Golden.

10 The question is on the resolution.
11 All in favor signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO:
14 Opposed?

15 (No response.)

16 ACTING PRESIDENT GRIFFO: The
17 resolution is adopted.

18 And past practice will adhere.
19 Those who do not want to be on the resolution,
20 please notify the desk, as Senator Golden has
21 offered all to be a cosponsor.

22 Senator Libous, we are still on
23 motions and resolutions. Are there any
24 further --

25 SENATOR LIBOUS: Yes, sir, we

1 are. And we have a couple of others. I
2 believe there's one by Senator Seward that is
3 at the desk. Could we ask that the title be
4 read and we go for its immediate adoption.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Libous.

7 The Secretary will read.

8 THE SECRETARY: Legislative
9 resolution by Senator Seward, honoring
10 The Parisian Family upon the occasion of their
11 designation as recipients of the 2011
12 Distinguished Partners in Education Award by
13 St. Mary's School in Oneonta, New York, on
14 March 19, 2011.

15 ACTING PRESIDENT GRIFFO: The
16 question is on the resolution. All in favor
17 signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO:
20 Opposed?

21 (No response.)

22 ACTING PRESIDENT GRIFFO: The
23 resolution is adopted.

24 Senator Libous.

25 SENATOR LIBOUS: Thank you,

1 Mr. President.

2 We have another resolution before
3 us, Resolution 834, at the desk. May we
4 please have the title read and call on Senator
5 Little, please, and then move for its
6 adoption.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Legislative
10 Resolution 834, by Senator Skelos,
11 memorializing Governor Andrew M. Cuomo to
12 proclaim March 2011 as Women's History Month
13 in the State of New York and commemorating the
14 New York State Senate's "Women of Distinction"
15 tribute.

16 ACTING PRESIDENT GRIFFO: Senator
17 Little.

18 SENATOR LITTLE: Thank you,
19 Mr. President.

20 Each year when we celebrate women's
21 history we celebrate the women in New York
22 State's history who have made a significant
23 contribution to our society and to our causes.
24 And it goes without saying that many of those
25 women's contributions went far beyond the

1 borders of New York State; they have become
2 part of our lasting heritage. And they did so
3 by fighting against stereotypes, prejudice and
4 insurmountable obstacles.

5 Many of those women you know by
6 name, certainly, and we have honored them
7 before: Sojourner Truth, Harriet Tubman,
8 Susan B. Anthony, Elizabeth Cady Stanton,
9 Nellie Bly, the artist Grandma Moses, Barbara
10 McClintock, and the "First Lady of the World,"
11 Eleanor Roosevelt.

12 New York State continues to be a
13 place where women have had a major role. And
14 as we approach September 11, 2011, we will
15 mark the 10th anniversary of the unprecedented
16 tragedy that befell our state and our country.
17 And once again, we should remember the three
18 women of distinction that we honored because
19 of their service, their ultimate sacrifice in
20 2001: Moira Smith, a decorated New York
21 Police Department officer; Captain Kathy
22 Mazza, the first female commandant of the Port
23 Authority Police Training Academy; and Yamel
24 Merino, 2001 Emergency Medical Technician of
25 the Year, all who gave their lives in that

1 tragedy in 2001.

2 We continue this tradition this
3 year by inducting three new honorees for the
4 year 2011. Two of these women, as many before
5 them that we have honored, have been first in
6 their field.

7 Linda Richards, who was from
8 Potsdam, New York, and was the first trained
9 nurse, will be honored. Her life span was
10 1841 to 1930.

11 Second, Susan Smith McKenney
12 Steward, who was the first African-American
13 female doctor in New York State and was the
14 third in our country. Her life span, 1847 to
15 1918.

16 And the third, who happens to be
17 from my district, Mary Wiltsie Fuller. Mary
18 Wiltsie Fuller was born in 1862 and was the
19 daughter of a Troy industrialist and an
20 advocate for women. Through her sponsorship
21 of the Girls Friendly Society of the Episcopal
22 Church in Troy, she became aware of the need
23 for respite and recreation for the working
24 women who worked in the Troy shirt factories.

25 At that time, many people called

1 Troy "the City of Women" because there were so
2 many women -- young immigrant women, young
3 women, older women, single women -- working to
4 support their families working in these shirt
5 factories. And certainly vacations and
6 recreation were way beyond their means.

7 Realizing this, Mary turned to her
8 friends Spencer and Katrina Trask about
9 helping to find a location for her retreat for
10 women. The Trask family lived in Tuxedo Park,
11 Saratoga, and Lake George. They had land on
12 Lake George that they had bought in a tax
13 sale, and they agreed to allow Mary to
14 establish a retreat for women on their land by
15 leasing it to her in 1903. Mary then turned
16 to many others to help with the support of
17 building this retreat. The following year,
18 1904, Katrina Trask sold the property to Mary
19 for one dollar and a bouquet of flowers.

20 There were about 50 friends who
21 helped Mary raise the money for the
22 renovations and contributed food and supplies
23 for this home on Lake George. The name chosen
24 for the home was Wiawaka, which is an Indian
25 name for "the Great Spirit of Women," and it

1 officially opened July 4, 1903. And for a
2 little more than \$3, a woman could spend a
3 week on Lake George.

4 Mary lived and worked at Wiawaka
5 until her death in Glens Falls in 1943.
6 Wiawaka still exists. It is the oldest and
7 longest continuously operated nonprofit
8 retreat for women in America today. This past
9 summer and the summer before that, it hosted
10 female wounded warriors for a retreat on
11 Lake George.

12 It is still available for a minimum
13 donation or what you can afford to pay for
14 women to go and spend a week on Lake George.
15 And it is still the recipient of local
16 philanthropy. Josie Beckos-Wood of the
17 Charles Wood Foundation has donated funds to
18 this Wiawaka so that they can keep up the
19 buildings and they can continue this tradition
20 which has gone on for well over a hundred
21 years of helping women find a space, a
22 beautiful location for a retreat, and a place
23 to renew their souls.

24 I would ask you all to take a
25 moment to look at the display in the Well

1 honoring all the women that we have honored in
2 the past as well as these three women who we
3 respectfully and gratefully honor this year.

4 Thank you.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Little.

7 The question is on the resolution.
8 All in favor signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO:
11 Opposed?

12 (No response.)

13 ACTING PRESIDENT GRIFFO: The
14 resolution is adopted.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President
17 there's another resolution at the desk, 873.
18 May we please have -- actually, could we read
19 it in its entirety, please. And then if you
20 would call on me afterwards.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will read.

23 THE SECRETARY: Legislative
24 Resolution 873, by Senator Skelos, recognizing
25 and celebrating the week of March 13-19, 2011,

1 as "Sunshine Week."

2 "WHEREAS, The pillars of democracy
3 include government transparency, accessibility
4 and accountability, resulting in an informed
5 citizenry; and

6 "WHEREAS, Sunshine Week is a
7 national initiative about the importance of
8 open government and freedom of information;
9 and

10 "WHEREAS, Sunshine Week seeks to
11 enlighten and empower people to play an active
12 role in their government at all levels; and

13 "WHEREAS, This Legislative Body
14 understands and appreciates the value of
15 access to information that it needs to make
16 informed decisions, and the corresponding
17 importance of access to government information
18 by the citizens of this state; and

19 "WHEREAS, The free flow of
20 information from the government to the people
21 instills trust and confidence in our democracy
22 and ensures that our government is accessible,
23 accountable and open; and

24 "WHEREAS, We must continue to
25 educate and empower the public regarding their

1 right to access government documents,
2 information and meetings; and

3 "WHEREAS, This Legislative Body
4 will hold joint budget conference committees
5 in order to provide more openness and
6 transparency to the budget process; and

7 "WHEREAS, Nationwide, during the
8 week of March 13 through 19, countless
9 citizens and others interested in open
10 government will celebrate Sunshine Week; and

11 "WHEREAS, Sunshine Week is a
12 nonpartisan initiative whose supporters are
13 conservative, liberal and every group in
14 between, and its participants include print,
15 broadcast and online news media, civic groups,
16 libraries, nonprofits, schools and others
17 interested in the public's right to know; now,
18 therefore, be it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to recognize
21 and celebrate the week of March 13-19, 2011,
22 as Sunshine Week."

23 ACTING PRESIDENT GRIFFO: Senator
24 Libous on the resolution.

25 SENATOR LIBOUS: Thank you,

1 Mr. President. I'm proud to stand before the
2 body today and speak on this resolution.

3 Actually, what our goal is here is
4 to have Sunshine Year, not just Sunshine Week.
5 We certainly want to do all we can to open
6 government up and make it as transparent as
7 possible and make it available to all of the
8 people that everyone in this chamber
9 represents.

10 I think, as mentioned in the
11 resolution, Mr. President, what's particularly
12 special is that at 12 o'clock, as we speak on
13 this resolution, at 12 o'clock we are
14 commencing a number of the budget conference
15 committees, legislation that was passed into
16 law by this body in 2007 to open up the
17 budgeting process and making sure that the
18 public understands what's going to be in the
19 final budget bill or legislation. Media
20 cameras are in every one of the rooms as the
21 meetings are commencing, as we are being
22 telecast on the Internet and certainly viewed
23 and heard by many.

24 Sunshine Week -- or, as I'd like to
25 say, every day is Sunshine Day in New York

1 State, as we have passed a number of different
2 laws over the years to achieve that
3 transparency and openness that is required
4 from government and is expected and deserved
5 to the people.

6 So again, this is not just a day,
7 just not a week, and I know my colleagues on
8 both sides of the aisle agree with me that our
9 goals in this chamber, both Republicans and
10 Democrats, is to open things up in government
11 and have the sun shine in every day so that
12 what we do is extremely transparent.

13 ACTING PRESIDENT GRIFFO: Thank
14 you, Senator Libous.

15 Senator Valesky on the resolution.

16 SENATOR VALESKY: Thank you,
17 Mr. President.

18 I want to join Senator Libous in
19 saluting Sunshine Week. And certainly
20 Sunshine Week should be expanded to all
21 52 weeks of the year.

22 I want to, in addition to being
23 very pleased this year that the budget process
24 is actually in compliance with the Budget
25 Reform Law of 2007 -- for the first time in a

1 couple of years -- which certainly is in the
2 spirit of Sunshine Week and the spirit of
3 openness and transparency. I would also
4 suggest, though, the legislative activity that
5 we've taken this week in many ways is in the
6 spirit of Sunshine Week.

7 On Monday, two days ago, we had an
8 open and honest discussion about redistricting
9 reform for the first time ever in this State
10 Senate, had an opportunity to have that
11 discussion.

12 Yesterday, in the one-house budget
13 that we passed -- I think it's very, very
14 important to call this to the attention of the
15 members of the Senate, because this is also in
16 the spirit of Sunshine Week. There is
17 Article 7 legislation that was included in
18 yesterday's budget that we approved that does
19 the following:

20 The creation of a Legislative
21 Budget Office, whose primary responsibility is
22 to provide individual members and legislative
23 committees on a nonpartisan basis with
24 information related to the budget process.
25 That's sunshine in the budget process;

1 An independent executive director
2 to helped head up that Legislative Budget
3 Office, appointed for a six-year term. That's
4 sunshine;

5 That the Executive and Legislature
6 adopt budgets that are balanced in accordance
7 with generally accepted accounting principles.
8 I would submit that that's in the interest and
9 the spirit of the sunshine and a more
10 transparent and open legislature;

11 And that the Division of the Budget
12 adopt a five-year financial plan in accordance
13 with GAAP.

14 We didn't have an opportunity to
15 discuss that yesterday during the debate on
16 the one-house Senate budget, but I think it's
17 important for the record to reflect that the
18 budget that the Senate approved yesterday
19 advances budget reform from four years ago in
20 the spirit of openness and transparency.

21 And I want the record to reflect
22 that as we acknowledge Sunshine Week, and I
23 look forward to all of our colleagues
24 supporting the resolution.

25 Thank you, Mr. President.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator Valesky.

3 The question is on the resolution.
4 All in favor signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT GRIFFO:
7 Opposed?

8 (No response.)

9 ACTING PRESIDENT GRIFFO: The
10 resolution is adopted.

11 Senator Libous.

12 SENATOR LIBOUS: Mr. President,
13 on behalf of Senator Bonacic, on page 9 I
14 offer the following amendments to Calendar
15 Number 72, Senate Print Number 2769A, and ask
16 that the said bill retain its place on the
17 Third Reading Calendar.

18 ACTING PRESIDENT GRIFFO: The
19 amendments are received, and the bill retain
20 its place on the Third Reading Calendar.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President,
23 seeing at this time all the members of the
24 Senate are taking place in the open process of
25 conference committees, the Senate will stand

1 at ease until those committees commence, and
2 we will all be expected to be back here at a
3 time that will be announced.

4 But we are at ease, we are not
5 adjourning, and we will all be expected to be
6 back here after the committees are over.

7 ACTING PRESIDENT GRIFFO: The
8 Senate will stand at ease.

9 (Whereupon, the Senate stood at
10 ease at 12:10 p.m.)

11 (Whereupon, the Senate reconvened
12 at 3:57 p.m.)

13 ACTING PRESIDENT FLANAGAN:
14 Senator Libous.

15 SENATOR LIBOUS: Mr. President, I
16 believe there's a report of the Finance
17 Committee at the desk.

18 ACTING PRESIDENT FLANAGAN: The
19 Secretary will read.

20 THE SECRETARY: Senator
21 DeFrancisco, from the Committee on Finance,
22 reports the following bill direct to third
23 reading:

24 Senate Print 2802, Senate Budget
25 Bill, an act making appropriations for the

1 legal requirements of the state debt service.

2 ACTING PRESIDENT FLANAGAN: So
3 ordered.

4 Senator Breslin, why do you rise?

5 SENATOR BRESLIN: Thank you,
6 Mr. President. Point of order, please.

7 According to the Senate rules,
8 under Rule 5, subsection 6(C), a bill must,
9 when it goes to Finance, in order to get to
10 the third reading, must go through Rules. If
11 it doesn't go through Rules, our rules signify
12 that it can be done by unanimous consent.

13 This particular bill did not go
14 through Rules. And we have been more than
15 willing to allow unanimous consent, but that
16 was denied. And we feel that this bill is not
17 properly before the house.

18 ACTING PRESIDENT FLANAGAN:
19 Senator Breslin, on your point of order, I
20 would reference Rule 6, Section 6, which
21 requires that all budget bills shall be given
22 a number and shall be referred to the Finance
23 Committee.

24 And it is the precedent in this
25 body that the Finance Committee reports budget

1 bills directly to third reading for
2 consideration on the floor.

3 While you're citing a separate
4 rule, the ruling that I'm making is based on
5 Rule 6, Section 6. And I would respectfully
6 tell you that your point of order is not
7 well-taken.

8 SENATOR BRESLIN: Thank you,
9 Mr. President.

10 ACTING PRESIDENT FLANAGAN:
11 Senator Libous.

12 SENATOR LIBOUS: Can we take up
13 the supplemental noncontroversial calendar,
14 please.

15 ACTING PRESIDENT FLANAGAN: The
16 Secretary will read the substitution.

17 THE SECRETARY: Senator
18 DeFrancisco moves to discharge, from the
19 Committee on Finance, Assembly Bill 4002 and
20 substitute it for the identical Senate Bill
21 2802, Third Reading Calendar Number 230.

22 ACTING PRESIDENT FLANAGAN:
23 Substitution ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 230, Assembly Print Number 4002, Assembly
2 Budget Bill, an act making appropriations for
3 the legal requirements of the state debt
4 service.

5 ACTING PRESIDENT FLANAGAN: Read
6 the last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect immediately.

9 ACTING PRESIDENT FLANAGAN: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT FLANAGAN: The
14 bill is passed.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President,
17 is there any further business at the desk?

18 ACTING PRESIDENT FLANAGAN: There
19 is no business at the desk, Senator Libous.

20 SENATOR LIBOUS: Thank you,
21 Mr. President.

22 There being no further business at
23 the desk, I move that the Senate adjourn until
24 Monday, March 21st, at 3:00 p.m., intervening
25 days being legislative days.

1 ACTING PRESIDENT FLANAGAN: On
2 motion, the Senate stands adjourned until
3 Monday, March 21st, at 3:00 p.m., intervening
4 days being legislative days.

5 (Whereupon, at 4:04 p.m., the
6 Senate adjourned.)
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